

Report on the

**BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS and
LAND SURVEYORS**

Montgomery, Alabama



**Department of
Examiners of Public Accounts**

50 North Ripley Street, Room 3201

P.O. Box 302251

Montgomery, Alabama 36130-2251

Ronald L. Jones, Chief Examiner

State of Alabama

(a) *Department of*

Examiners of Public Accounts

Telephone (334) 242-9200

FAX (334) 242-1775

Ronald L. Jones
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

May 24, 2006

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Licensure for Professional Engineers and Land Surveyors** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Licensure for Professional Engineers and Land Surveyors**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

CONTENTS PAGE

PROFILE.....	1
Purpose/Authority	1
Board Characteristics.....	1
Operations	2
Financial Information.....	4
ORGANIZATION	5
PERSONNEL	5
PERFORMANCE CHARACTERISTICS	6
FINANCIAL INFORMATION	8
Schedule of Fees	8
Schedule of Cash Receipts, Disbursements and Balances.....	10
Receipts vs. Operating Disbursements (Chart).....	11
QUESTIONNAIRES	12
Board Member Questionnaire	12
Licensee Questionnaire – Engineers	15
Licensee Questionnaire - Land Surveyor	20
Complainant Questionnaire.....	25
APPENDICES	31
Statutory Authority	31
Smart Operations Plan.....	53
Quarterly Performance Report	54
Board Members.....	57

PROFILE

Purpose/Authority

The Board of Licensure for Professional Engineers and Land Surveyors licenses qualified applicants as engineers or land surveyors; requires continuing education as a prerequisite to license renewal; investigates complaints; denies, suspends, or revokes licenses; and levies fines. The current statutory authority for the board is the *Code of Alabama 1975*, Sections 34-11-1 through 34-11-37.

Board Characteristics

Members

5 (4 engineers & 1 land surveyor)

Terms

5 year staggered terms

Selection

Appointed by the Governor from a list of three nominees provided by a nomination committee consisting of one professional engineer appointed or elected by an active Alabama chapter of each of the following societies:

- ◆ The American Society of Civil Engineers;
- ◆ The Society for Mining, Metallurgy, and Exploration, Inc.;
- ◆ The American Institute of Chemical Engineers;
- ◆ The American Institute of Electrical and Electronic Engineers, Inc.;
- ◆ The Institute of Electrical and Electronic Engineers, Inc.;
- ◆ The American Society of Mechanical Engineers, Int.;
- ◆ The Alabama Society of Professional Engineers;
- ◆ The Alabama Society of Professional Land Surveyors.

Any other society with active chapters in the state having membership qualifications comparable to those of the above-named societies may petition the board for membership on the committee, and the board may grant the membership.

Qualifications	<ul style="list-style-type: none"> ◆ United States citizen ◆ Alabama resident ◆ Currently licensed as a professional engineer or professional land surveyor ◆ Been in practice for at least 12 years ◆ In responsible charge of important engineering or land surveying work for at least 5 years
-----------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Racial Representation	No statutory requirement No minority representation
------------------------------	--------------------------------------------------------

Consumer Representation	No statutory requirement
--------------------------------	--------------------------

Other Representation	Membership on the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.
-----------------------------	------------------------------------------------------------------------------------------------------------------------------------------

Compensation	\$100 per day while attending the work of the board, plus reimbursement for travel expenses paid at the same rate as state employees and incidental and clerical expenses.
---------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Operations

Administrator	Executive Director appointed by and serves at the pleasure of the board. The board sets the executive director's annual salary, currently \$84,780.80.
----------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------

Location	100 North Union Street, Suite 382 Montgomery, AL 36130
-----------------	-----------------------------------------------------------

Licensees	<u>As of March 31, 2006</u>	
	Professional Engineer	12,137
	Professional Land Surveyor	1,153
	Engineer Intern	1,916
	Land Surveyor Intern	11
	Certificate of Authorization (Companies)	
	Engineering	1,600
	Land Surveying	<u>401</u>
	Total	17,218

Renewals	<p>All licenses for professional engineers and land surveyors expire on December 31 of each year. Lapsed licenses may be reinstated without re-examination for up to four years.</p> <p>Certificates of authorization for companies expire on January 31 of each year. Lapsed certificates of authorizations may be re-instated for up to two years.</p>
Examinations	Given twice annually. Examinations are prepared and graded by the National Council of Examiners for Engineering and Surveying.
Continuing Education	Professional engineers and land surveyors must attain 15 professional development hours of continuing education per calendar year.
Reciprocity (comity)	<p>Engineers – Applicants must hold a valid engineering certificate issued by any jurisdiction of the United States or any country, and the education, experience, and examination qualifications must meet the requirements of the board’s statutes and rules.</p> <p>Land Surveyors – Applicants must hold a valid land surveying certificated issued by any jurisdiction of the United States or any country, and pass a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama, and the education, experience, and examination qualifications of the applicant must meet the requirements of the board’s statutes and rules.</p>
Employees	6
Legal Counsel	Benjamin Albritton Attorney General’s Office
Subpoena Power	The board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence.

Internet Presence

www.bels.state.al.us

The site includes:

- ◆ Overview/Mission
- ◆ License requirements and applications
- ◆ Dates and deadlines
- ◆ Examination information
- ◆ License inquiry and search
- ◆ Change of address
- ◆ Law and administrative code
- ◆ Filing a complaint and enforcement actions
- ◆ Renewal and reinstatement procedures
- ◆ Certificate of authorization
- ◆ News bulletin
- ◆ Board meeting agendas
- ◆ Board members and staff

Attended Board Member Training

Executive Director
Assistant Executive Director
Executive Secretary
Accounting Technician
Board Members

Financial Information**Source of Funds**

Licensing fees

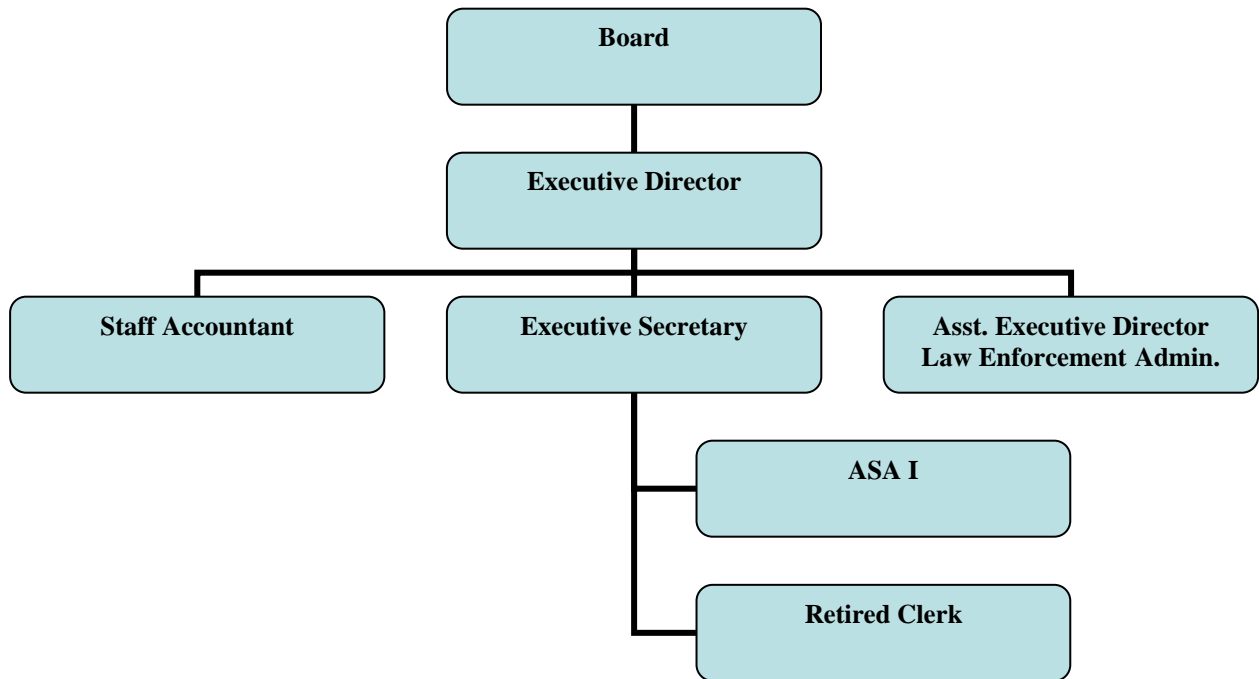
State Treasury

Yes

Unused Funds

Any unused funds that exceed 25% of the prior year's budget must be transferred to the General Fund at fiscal year end.

ORGANIZATION



PERSONNEL

The board currently employs six (6) persons, consisting of an executive director, an assistant executive director/law enforcement administrator, and four classified merit system employees. The executive director and assistant executive director are appointed by the board. The Attorney General's Office provides legal services for the board.

Schedule of Employees

Title	Merit System Status	Number	Race	Gender
Executive Director	unclassified	1	White	Female
Asst. Exec Director/ Law Enforcement Admin	unclassified	1	White	Male
Executive Secretary	classified	1	White	Female
Staff Accountant	classified	1	White	Male
Administrative Support Assistant I	classified	1	Black	Female
Retired State Employee-Clerk	classified	1	White	Female
Total		6		

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 2,870

Total Expenditures per Licensee (2004-05) - \$53.00

Number of Persons per Licensee in Alabama and Surrounding States

	Population (Estimate)	Number of Licensees	Persons per Licensee
<i>Alabama</i>	<i>4,557,808</i>	<i>17,218</i>	<i>265</i>
Florida*	17,789,864	31,380	567
Georgia	9,072,576	49,453	183
Mississippi	2,921,088	18,303	160
Tennessee*	5,962,959	19,539	305

*Separate Licensing Boards for Engineers & Land Surveyors

Smart Budgeting

The board has prepared an operations plan and has submitted quarterly performance reports, as required under the Smart Budgeting system. The documents are included in the appendices of this report.

Complaint Resolution

Board Rule 330-X-16-.01 through 330-X-16-.05 provide the procedures for documentation, determination of probable cause and hearing procedures for complaints received by the board.

Complaint Process

Initial Documentation

Complaints are received by telephone, fax or mail. When the board receives a complaint, a pro forma complaint form is sent to the complainant to be completed and returned to the board. The complaint form can also be downloaded from the board's website.

Complaints initiated by the board against a licensee or non-licensee are referred to an investigative committee to determine if any of the provisions of the board's statutes or Rules of Professional Conduct (Code of Ethics) have been violated.

Receipt of Completed Complaint

Completed complaint forms are date stamped, entered in the complaint log and assigned to a board member for review and follow-up on the progress of the complaint. The board member, the executive director, the board's attorney, and the board's investigator determine appropriate action and/or whether probable cause exists. The complainant is notified that the complaint has been received.

Action Taken

The complainant is notified that a complaint has been filed and the nature of the complaint. The board investigates and determines whether action is/is not necessary and completes the process as outlined in the board rules.

Notification

After resolution, the complainant is notified of the results.

Disposition of Complaints per Fiscal Year - Engineers

Fiscal Year	Complaints Received	Resolved	Pending
2001-02	32	31	1
2002-03	38	26	12
2003-04	29	18	11
2004-05	37	16	21

Disposition of Complaints per Fiscal Year – Land Surveyors

Fiscal Year	Complaints Received	Resolved	Pending
2001-02	52	52	-
2002-03	39	33	6
2003-04	29	20	9
2004-05	34	9	23

According to the complaint files reviewed, complaints are resolved within a few weeks or several months depending on the nature of the complaint. Complaints that are unresolved are primarily due to pending litigation.

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and when necessary holding public hearings on proposed rules. Licensees have been notified of proposed changes through newsletters, and the board has posted drafts of proposed rule changes on its website. According to the board's staff, drafts of the amended administrative code (rules) have been distributed to the licensees' professional associations for review and discussion.

FINANCIAL INFORMATION

Schedule of Fees

<u>Fee Type</u>	<u>Amount</u>	<u>Code of Alabama 1975 Section</u>
Application Fees		
Engineer/Land Surveyor Intern	\$ 15.00	34-11-5 (c)
Professional Engineer/Land Surveyor	25.00	34-11-5 (b)
Certificate of Authorization	60.00	34-11-5 (d)
Examination		
Fundamentals of Engineering	60.00	34-11-6 (d)
Principles of Engineering	200.00	34-11-6 (d)
Fundamentals of Land Surveying	75.00	34-11-6 (d)
Principles of Land Surveying	200.00	34-11-6 (d)
Alabama Land Surveying Standards	100.00	34-11-6 (d)
Licensure		
Professional Engineer/Land Surveyor	25.00	34-11-5 (b)
Professional Engineer Interim Permit	50.00	34-11-4 (1)b
Renewal Fees		
Engineer/Land Surveyor Intern	5.00	34-11-8 (b)
Late Fee	10.00	34-11-8 (b)
Professional Engineer/Land Surveyor	35.00	34-11-8 (a)
Certificate of Authorization	60.00	34-11-8 (c)
Retired over 65	10.00	34-11-8 (a)
Reinstatement Fees-Lapsed License		
0-1 year	285.00	34-11-8 (a)
1-2 years	335.00	34-11-8 (a)
2-3 years	385.00	34-11-8 (a)
3-4 years	435.00	34-11-8 (a)

Reinstatement Fees-Companies

0-1 year	310.00	34-11-8 (c)
1-2 years	410.00	34-11-8 (c)

Mailing Labels**Cost Recovery**

Mailing Label Disc	75.00	
1,000 Labels	75.00	
2,000 Labels	106.00	
3,000 Labels	137.00	
4,000 Labels	168.00	
5,000 Labels	197.00	
10,000 Labels	359.00	
Roster	15.00	34-11-3
Copy Charges	.25/sheet	34-11-35(a)
Replacement Certificate	25.00	34-11-12

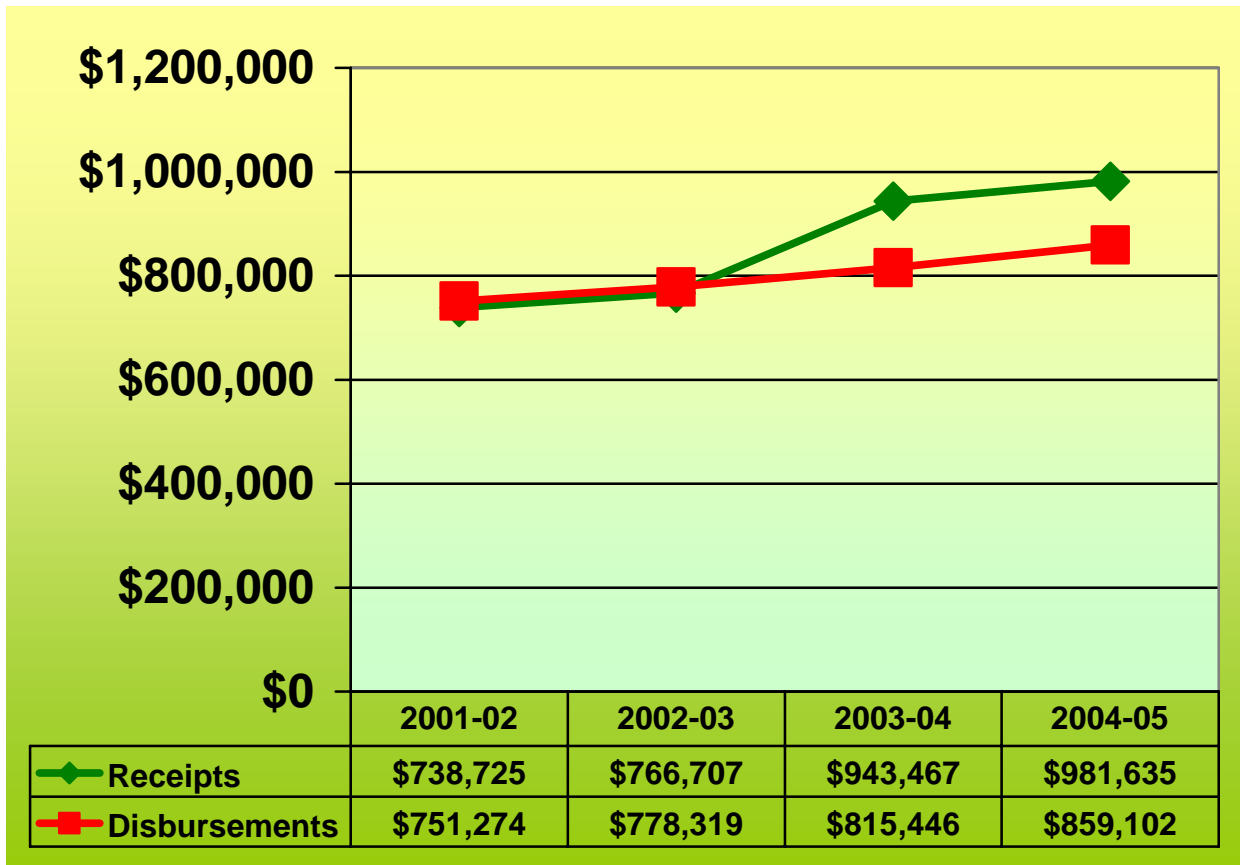
Fines

Civil Penalty (paid to state's General Fund)	\$2,500 maximum each offense	34-11-16
Fine	\$2,500 maximum each offense	34-11-11(i)
Cost of Investigation/Hearing		34-11-11(m) 34-11-16(g)

Schedule of Cash Receipts, Disbursements and Balances
October 1, 2001 through September 30, 2005

	2004-05	2003-04	2002-03	2001-02
<u>Receipts</u>				
Licensing Fees	<u>\$981,635.40</u>	<u>\$943,467.13</u>	<u>\$766,707.41</u>	<u>\$738,725.00</u>
<u>Disbursements</u>				
Personnel Costs	298,669.54	299,644.78	291,546.19	307,829.60
Employee Benefits	86,219.09	77,253.19	71,566.37	70,300.71
Travel In-State	12,736.49	16,251.76	16,853.52	15,111.78
Travel Out-of-State	25,567.25	17,873.55	20,594.39	22,781.72
Repairs and Maintenance	680.00	1,057.00	2,633.25	2,426.05
Rentals and Leases	77,862.79	73,684.90	86,499.57	82,752.69
Utilities and Communications	28,439.69	38,102.54	43,774.79	35,144.39
Professional Services	225,233.20	215,926.65	163,135.38	142,444.84
Supplies, Materials, and Operating Expense	62,786.15	50,696.75	66,852.47	54,695.45
Transportation Equipment Operations	971.51	317.33	1,084.27	400.08
Transportation Equipment Purchases	22,002.00			
Other Equipment Purchases	17,642.29	24,637.95	13,778.69	17,387.18
Transfer to the General Fund	<u>50,292.25</u>			
Total	<u>909,102.25</u>	<u>815,446.40</u>	<u>778,318.89</u>	<u>751,274.49</u>
Excess (Deficiency) of Receipts Over Disbursements	72,533.15	128,020.73	(11,611.48)	(12,549.49)
Cash Balance at Beginning of Year	<u>414,672.23</u>	<u>286,651.50</u>	<u>298,262.98</u>	<u>310,812.47</u>
Cash Balance at End of Year	487,205.38	414,672.23	286,651.50	298,262.98
Reserved for Year-End Obligations	(113,056.50)	(101,929.78)	(37,209.87)	(39,180.87)
Fees Reserved for Next Year's Operations	<u>(87,470.00)</u>	<u>(88,710.00)</u>	<u>(61,335.00)</u>	<u>(54,035.00)</u>
Unreserved Cash Balance	<u><u>\$286,678.88</u></u>	<u><u>\$224,032.45</u></u>	<u><u>\$188,106.63</u></u>	<u><u>\$205,047.11</u></u>

Receipts vs. Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were sent to all five board members. All five members responded.

Question #1

What is the most significant issues currently facing the Board of Licensure for Professional Engineers and Land Surveyors and how is the board addressing these issues?

“The number of complaints filed against engineers and land surveyors and the time it requires to deal with these complaints. The board has employed another investigator and has formed an outside committee to look at expanding the board size.”

“Board investigations. We have just hired a licensed land surveyor to help in investigating.”

“Several Issues: (1) Number of complaints-added a second investigator to deal with this; (2) Nominating process- committee now addressing; (3) More hearings – board meetings last 1 ½ days per session.”

“New engineers are not passing national exams that should qualify them for licensure. We are writing experts in Montgomery to help us determine ways to improve student education in Alabama.”

“A large number of competent engineers practicing in Alabama are not licensed. This is not the case with other professions regulated by the state. The major reason is that state licensing requirements prevent engineers from qualifying to take the professional engineering examination. Many unlicensed engineers would like to be licensed but do not take the P.E. exam. Adjusting the requirements to allow more engineers to sit for the exam would result in more engineers being licensed without reducing competency. This would bring more monies in.”

Question #2

What changes to the *Board of Licensure for Professional Engineers and Land Surveyors* laws are needed?

“If any, an increase in the membership of the board to deal with board business.”

“At the present time, the board has a committee looking at the composition of the board.”

“Streamlining where case law has rendered board laws obsolete; evolutionary grammatical changes in administrative code; consider increasing the \$100.00/day stipend.”

“Offshore engineering is being done. Companies or individuals should be restricted from acquiring engineering that is not regulated for the public’s protection.”

“An engineer license applicant who has passed the fundamentals of Engineering (FE) exam should be allowed to sit for the P.E. exam after 4 years of verified work of engineering nature. The 4 years should not necessarily be performed under the supervision of a professional engineer. Licensed engineers are not out there in the engineering work force for your engineers to work under. Consideration should also be given to lessening the 4 year requirement. No other profession has an internship of this length of time and there is no need for it.”

Question #3

Is the *Board of Licensure for Professional Engineers and Land Surveyors* adequately funded?

4 Yes

1 Unknown

“Our fees allow the board and the office staff to function efficiently.”

“Being a recent appointee, I need to look further into this before giving an opinion.”

Question #4

Is the *Board of Licensure for Professional Engineers and Land Surveyors* adequately staffed?

“At present time, the board is understaffed for clerical work. The board is in the process of adding to the staff.”

“Yes, we have an open slot for clerical help.”

“With the recent addition of the second investigator, yes. The open positions can be filled as the board duties increase over time.”

“There are peak periods that overload staff; otherwise normal operation is adequately staffed.”

“There apparently is a need for additional investigative staff, especially for land surveying cases.”

Question #5

What is the purpose of your fiscal year end balance of unobligated funds?

“A carryover for next years’ operations in the event renewal fees are less than budget.”

“Issue to the General Fund.”

“For the inevitable *rainy days* and sound fiscal practice.”

“We have not been having much excess. We imposed late fees very high to minimize staff overload during renewals. The necessity to follow up with late renewal has been minimized, but initially created unanticipated funds.”

Licensee Questionnaire – Engineers

Questionnaires were mailed to one hundred licensees. Seventy-two responded.

Question #1

Do you think regulation of your profession by the Board is necessary to protect public welfare?

71 Yes 1 No

“Yes, specifically professionals involved in habitable structures.”

“Without a doubt. Engineers design standards and systems to protect public safety, public health and the environment. Without educated engineers, roads and buildings would be unstable, would fall and the general health and welfare of the public would be greatly damaged.”

“Most professions include some form of regulatory oversight and engineering should not be any different.”

Question #2

Do you think any of the Board’s laws, rules, and policies are an unnecessary restriction on the practice of your profession?

3 Yes 59 No 5 Unknown 5 No Opinion

“Bidding professional services should be allowed. We live and work in a free enterprise society.”

Question #3

Do you think any of the Board’s requirements are irrelevant to the competent practice of your profession?

5 Yes 57 No 3 Unknown 7 No Opinion

Question #4

Are you adequately informed by the Board of changes to and interpretations of board positions, policies, rules, and laws?

59 Yes 8 No 1 Unknown 4 No Opinion

“There should be some type of notification of changes, perhaps an email and/or mail out identifying the general subject of the change of detailed information on the board’s website.

Question #5

Has the Board performed your licensing and renewal in a timely manner?

70 Yes 2 No

“It took two months to be granted registration as a professional engineer based on prior registration in another state.”

“The board is slowly improving.”

Question #6

Do you consider mandatory continuing education necessary for competent practice?

44 Yes 24 No 4 No Opinion

“I consider it a part of being a professional to stay informed on current issues and codes.”

“Not necessary, but it is a wise procedure for safeguards of the public’s interests.”

“It seems for every four hours you spend you only get 1 hour’s worth of information.”

“In my opinion, the board should send questionnaires for continuing education according to discipline and charge for it.”

Question #7

Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

50 Yes 4 No 11 Unknown 7 No Opinion

“It is arduous to find out who is approved and who is not. Maybe an updated list should be made more available.”

Question #8

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

“We need to promote the engineering profession at an early age to get more interest. Need to promote registration more in the industry.”

“Lack of qualified engineers. The board could do more to promote the profession to recruit more students and young people to the profession.”

“Decline in future engineers and lack of knowledge of engineers’ role in society in general.”

“Lack of a structural license for reciprocity with states such as California and Hawaii.”

“Non-engineers practicing as engineers. The board is addressing this issue from a commercial viewpoint, but not within the workplace.”

“The membership should be increased to be more representative of all engineering disciplines. The board is obstructing this issue.”

“The term *engineering* is used very loosely in today’s society, therefore, the profession must educate the public as to what a professional engineer is and is not. The profession continues to be downgraded by unprofessional activities.”

“The profession is self destructing in an effort to get on the design-build bandwagon. The clients will pay the price for this.”

“Weeding out incompetent individuals. Procedures are in place for receiving complaints.”

“Who can use the term *Engineer* or *Engineering*. Not sure what the board is doing to address this.”

“Continuous decline of new engineers. We need to be promoting the profession?”

“Continual erosion of safety in engineering design for the self-serving requirements of developers, miners, and industrial manufacturing areas. The board has a set of requirements for the education of engineers, and then a code of ethics to practice as engineers. If an engineer practices what he preaches and swore to do, the Board has accomplished its mission on a continuing basis. The Board does discipline engineers and others not following the regulations of practicing in the state.”

“Ethics, I do not know firsthand what the Board is doing about ethics.”

“The most significant issue facing a consulting engineer in the State of Alabama is the lack of compliance by contractors to design documents. The quality control and regulation of the design documents is insignificant if the application of the design is not monitored, regulated, or enforced by the authorities having jurisdiction.”

“Educating the public about professional engineering, especially young high school students.”

“Not sure, but I’d like to see the Board promoting awareness of professional licensure to students in universities. To my knowledge, this wasn’t done when I was in college. I’m not sure what is being done today.”

“Engineering is a professional service and should not go to the cheapest bidder. Ensuring that this profession is protected and not relegated to a technical service given to the lowest bidder is paramount.”

“Unlicensed engineers working in the state and disciplining them.”

“There is a wide range of fees for services being charged by engineers. Some engineers are underrating others to the point of being non-professional.”

“The excessive late renewal fee will discourage people from remaining registered.”

“Overseas engineering content as it applies to *plan stamping* in large corporations. The board seems reluctant to take on large corporations; this may be because they have large legal staffs. The board seems to find it easier to *police* individuals and small firms than to take on large corporations and their legal departments.”

“Shortage of engineering graduates nationwide. I don’t know if the board has responsibility in this area.”

“Questionable exam of those seeking licenses based on education obtained in questionable schools outside the United States.”

“The requirements for a year degree will result in a scarcity of engineers.”

Question #9

Do you think the Board and its staff is satisfactorily performing their duties?

57 Yes 2 No 7 Unknown 5 No Opinion

“With the exception of enforcement. Too many examples of unqualified people providing engineering services to the public.”

Question #10

Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

0 Yes 72 No

“The Florida Professional Engineer Board has made tapes of their proceeding and required us to watch, plus take an exam. This is an excellent tool to acquaint us with the

workings of the board and the degree of seriousness applied. A real eye opener-makes me know I want to keep my work with integrity-not have to appear before that board for behavior review! Alabama could no likewise.”

Licensee Questionnaire - Land Surveyor

Questionnaires were mailed to one hundred licensees. Fifty-nine responded.

Question #1

Do you think regulation of your profession by the Board is necessary to protect public welfare?

58 Yes 1 No

“Minimum standards or qualifications relating to the practice of a profession establish the foundation for performance and behavior (ethics). The unfettered rule of the marketplace’s governing surveying practice would expose the unsuspecting public to panhandle surveyors bent solely on profit, to all our dismay.”

“I think the Board should look at the ASPLS Propesiers who though educationally qualified were not able to succeed in the profession of surveying.”

Question #2

Do you think any of the Board’s laws, rules, and policies are an unnecessary restriction on the practice of your profession?

7 Yes 52 No

“Many or most surveyors are members of ASPLS and they do not have time to review the proposals of amendments or new definitions or terms recommended by ASPLS. Therefore, the ASPLS implies to the board that it speaks for all surveyors. I do acknowledge that most ASPLS suggestions serve us adequately.”

Question #3

Do you think any of the Board’s requirements are irrelevant to the competent practice of your profession?

6 Yes 50 No 2 Unknown 1 No Opinion

“Stipulations in the standards of practice that limit or restrict common sense surveying i.e. basis of magnet, bearing and deflection angles. Whether or not to set irons (at all corners). How can you follow in the footsteps of the original surveyor and not walk property line.”

Question #4

Are you adequately informed by the Board of changes to and interpretations of board positions, policies, rules and laws?

50 Yes 6 No 3 Unknown

Question #5

Has the Board performed your licensing and renewal in a timely manner?

59 Yes 0 No

“The board charges a \$250 late fee for a \$35 license with absolutely no grace period. I believe that is entirely unreasonable and way outside of the norm in the financial area. If done by a private enterprise, I believe that enterprise would have to show that it was damaged by that amount. Why is this late fee so out of line?”

Question #6

Do you consider mandatory continuing education necessary for competent practice?

43 Yes 16 No

“Very expensive for someone not working to maintain his licensure, and very good for someone without a college degree.”

“The few surveyors that I felt were incompetent prior to continuing education have not changed their standard operating procedure in my opinion.”

Question #7

Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

48 Yes 1 No 7 Unknown 3 No Opinion

“As I understand the policy, the Board does not pre-approve any source i.e., when a surveyor or engineer is randomly selected for review. A decision of adequacy is made by the Board at that time.”

Question #8

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

“Since the board does not allow engineering and surveying licensure (dual) anymore. Should have more surveyors on the board or a separate board for surveyors. Need more support for Surveying School at Troy University. State school at Auburn dropped surveying requirements to make room for computers when computers were introduced. With tests and 4 year requirements of college, and older surveyors retiring there may be a shortage of surveyors in the future.”

“Requiring four years of school to get a license in land surveying. People who come up through the ranks should be able to take tests for land surveying.”

“A need for additional professional land surveyors of the board.”

“Non-registered persons doing land surveying. The board is doing all it can but more could be done.”

“Integration of developing technology into general practice. I think the Board is promoting and monitoring (GPS, etc.) the issue.”

“Separate engineers and land surveyors for boards are needed. Engineers should not be governing land surveyors.”

“Continue to insist that surveying is done under the direct supervision of a licensed surveyor. I believe the board is adequately performing their duties.”

“Non-licensed people doing surveys, such as signing affidavits saying the property has not changed at a closing table or some closing companies changing dates on surveys and not telling or asking the surveyors. There should be extremely strict penalties to stop this from going on.”

“Construction stake-out companies doing surveys with no professional land surveyor in the company. The board is doing nothing!!!!”

“Need more field personnel.”

“The problem with the test being made in a way that you must complete the classes at Troy in order to pass. This is not fair to the men who worked for their opportunity to take the test for licensure.”

“The requirement of a 4-year degree. In my opinion, some excellent candidates will never apply to take the exam due to this requirement.”

Land Surveyor Questionnaire

“I don’t think you should have to have a degree in surveying to become a surveyor. There are not enough places to get the education.”

“Losing college graduates to other states.”

“Changing technology in the fields of surveying, mapping and G.I.S. The board has aggressively pursued effective continuing education and educational requirements at schools and colleges.”

“Flood zone determination by non-licensed surveyors and non-resident personnel for Alabama property and faulty F.I.R.M. maps.

“I think the regulations concerning licensing in Alabama are the most significant issue at this time. The Board is working with the professionals in our state to make sure only qualified people become licensed to practice. Education, experience, and passing the tests will ensure that happens.”

“Unlicensed surveyors practicing as registered surveyors. Punishment of these individuals is needed.”

“Illegal practice of land surveying by private and municipal agencies which provide mapping, platting, and documentation of land surveying issues to the public (the board is in the process of hiring a person to investigate this).

“Practice in engineering and surveying that does not meet the requirements the public need. Public hearings to address issues of poor practice.”

“There are still some lousy surveyors and if the other surveyors will turn them in the board does go after them.”

“Future surveyors will need a B.S. degree to obtain a license. I do not think there will be enough to meet the demand. Board has done nothing.”

“Unlicensed persons performing surveys and the board imposes stiff fines when they catch them.”

“The mandatory college degree will slowly continue to reduce the number of registered land surveyors. If someone must have a degree why not be an engineer. An engineer seems to command more respect and invoice at a higher rate.”

“Enforcement of the technical standards and non-licensed practice.”

“I honestly believe no significant issue(s) are currently facing our profession at this time. However, when issues exists our board and society keeps us well informed.”

Land Surveyor Questionnaire

“The composition of the board. Right now the board is made up of four engineers and one land surveyor. I think that the board should be enlarged to have more land surveyors and additional engineers to the present board so that the entire state is represented.”

“The requirements for a 4 year degree will result in a scarcity of professional land surveyors in the future. Too much authority given to individual organizations are setting requirements.”

Question #9

Do you think the Board and its staff is satisfactorily performing their duties?

53 Yes 3 No 2 Unknown 1 No Opinion

“The board is but not the staff. They could use more staff for investigations.”

“I believe the board is understaffed to investigate complaints. I believe they only investigate complaints lodged by surveyors against surveyors. I believe that the definition of land surveying in the Alabama statutes has been modified through advice of the ASPLS to allow personal gain for individual firms.” Companies with computerized databases that certify flood zones which are relative to properties enclosed by land boundaries and never having an Alabama land surveyor review the accuracy or location. I believe that ASPLS has made great progress in serving the surveying profession and my personal prejudice has influenced my remarks. I learned land surveying by experience, personal study and leadership in an old established land surveying firm, and it irritates me when a few individuals can restrict licensure to a formal college degree program.”

“Considering the number of staff personnel. I think that the staff is doing an excellent job in performing their duties.”

Question #10

Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

0 Yes 59 No

Complainant Questionnaire

Questionnaires were mailed to one hundred complainants. Forty-eight responded.

Question #1

Was your complaint filed with the *Board of Professional Engineers and Land Surveyors* by?

37 Mail 8 Phone 1 Fax 2 Other

Question #2

Was receipt of your complaint promptly acknowledged?

44 Yes 2 No 2 Unknown

If yes, approximately how long after you filed your complaint were you contacted by the *Board of Professional Engineers and Land Surveyors*?

10 Immediately 17 Within 10 days 8 Within 20 days

7 Within 30 days 2 More than 30 days 4 Unknown

Question #3

Was the employee who responded to your complaint knowledgeable and courteous?

6 Knowledgeable 5 Courteous 32 Both 5 Unknown

Question #4

Did the *Board of Professional Engineers and Land Surveyors* communicate the results of investigating your complaint to you?

35 Yes 6 No 7 Unknown

“No investigation to my knowledge was conducted other than a review of documents.”

Question #5

Do you think the Board of Professional Engineers and Land Surveyors did everything it could to resolve your complaint?

28 Yes 12 No 8 Unknown

“I remember the person against whom the complaint was made responding to me quickly. I was very satisfied with the board’s swift action. Yes, very satisfied.”

“I didn’t get any money back from the surveyor that I contracted with me while his license was not active and had to hire another one.”

“I believe they contacted the surveyor and discussed the situation but I was not informed of this.”

Question #6

Were you satisfied with your dealing with the Board of Professional Engineers and Land Surveyors?

35 Yes 13 No

“My attorney has reminded me that as a registered Professional Engineer in the State of Alabama that I am subject to board actions affecting my licensure in the State of Alabama and my ability to work as an engineer. I am also painfully aware that a board member or the board’s staff has the ability to open an investigation or file a complaint or charges, however capricious the charge or charges might be and to access files and *investigation charge backs* in the thousands of dollars (I have read of some well in excess of \$10,000 with the victim of the capricious action (the Registered Engineer) having the choice of paying the assessment, going to jail, or spending thousands of dollars for his defense by appealing this board action to a higher court and hoping for a over-turn of board actions. The reason I said *painfully aware* because I had openly criticized the board’s staff for delay and procrastination in a series of complaints I filed September 12, 2001 against different individuals but all involved in the same engineering related activity and then had written a series of editorials and started publishing them in the local newspaper criticizing the board for it’s inaction and procrastination in a similar but unrelated case in our area where a convicted felon was allowed to keep his license and continue to operate his engineering company. Almost immediately after being critical of their procrastination and non-action and announcing and publishing my editorial comment, the board investigator told me in a phone conversation that one of the board members had filed a complaint against me and that I was being put under investigation and the complaint against me was related to the complaints that I had filed September 12, 2002, now more than 4 ½ years in the past. Maybe this was simply coincidental, but I doubt it. I attended the next board meeting in person and addressed the board in relation to the problems that I had encountered since filing the complaints. I called attention to a letter that I had mailed earlier expressing my frustrations and asking for some type of action and closure in the complaint I filed so long ago. The letter also stated that I no longer

wished to be a registered engineer in the State of Alabama and that I was submitting my license for non-renewal and immediate severance with the Engineering Profession. As for the board members themselves, I sympathize with them and would not want a position on the board if offered under the present law and staffing conditions. When I addressed the board they reacted as if it was the first they had heard of this problem and said that they understood my anger and frustration. In a board meeting that I attended last summer all of the board members were not only interested in what I had to say about this problem but open and forth coming in saying that they understood my frustration and anger that had prompted me to attend the board meeting turning in my license and Certificate of Authorization for immediate severance and non-renewal and then state my concerns to the board about security concerns and how the laws as they exist is fertile ground for identity theft. Such as the one that I had experienced. I owe a debt of gratitude to the entire board for echoing one of the board member's statements when he said "I understand your frustration in this situation but don't let that drive you to throw away in anger, something that you worked so long and hard for and are proud of something that has not only been your passion and career but a defining part of your life that we as Professional Engineers all share."

After my address to the board and request of action, the investigator in response to my question said that there had been no complaint filed against me and that it had been a mistake and misunderstanding. I received no further correspondence from the board in this matter, I did receive a subpoena to appear as a witness in a hearing scheduled for November 17, 2005 where 2 of the persons who I originally filed complaints against were suppose to appear but that hearing was cancelled and as to date has not been re-scheduled to my knowledge. I think that my next and most logical action will simply ask the board to drop the charges in my complaint against the persons 4 ½ years ago. In the past 4 ½ years I have dealt with 3 board investigators, one retired, one was temporary and the third, who has a dual position and responsibilities as the assistant executive director and board investigator but has no prior experience education or knowledge of the field of Engineering from the job where he recently retired. He seems to be simply over taxed by the position, overwhelmed and overworked. In the past 4 ½ years I have dealt with 5 attorneys for my own legal council at my own expense, one died 2 years ago, one has moved out of state, one had a series of strokes, one says the case is fatally flawed by the 4 ½ year lag allowing the statute of limitations to run out. In the past 4 ½ years one of the 3 important witnesses has died of old age and one is now at or near his 80th birthday. In the past 4 ½ years among the witnesses remaining alive their memory of important and pertinent events has faded, been distorted by time or lost entirely. In the past 4 ½ years employees have changed, crucial evidence has been lost, misplaced, destroyed, and replaced with computer files, or rendered useless with the passage of time. In summary 4 ½ years delay make an identity theft case impossible to prove or prosecute. I do not believe it is through any fault of the board members themselves that the system doesn't work, and let's face it, it doesn't work, I am not the only engineer who feels this way, nor the only citizen who has filed a complaint and felt let down by the system and frustrated. I am one of many that will never go through the hassle of filing another complaint. The laws establishing this board and regulating the Engineering Profession seem antiquated and inadequate for a 21st century society and if the board members themselves are being blindfolded and otherwise manipulate by a staff withholding information and correspondence or selectively conveying the same. Then those staff members are inadequate also and in need of replacement. My opinion and the opinion of other engineers has not been formed in one year or even 5 years but mine has grown and been cultivated by experiences over almost 30 years of association, or should I say subjection. Even though looming large in my

mind, my problem and complaint might be classed as petty in comparison to the problem that is huge, this board with its 1800's styled structure and body by no means represents the gender and ethnic diversity of the Engineering Profession or the citizens of the State of Alabama. And as we as Engineers have discussed at our diversely represented continuing education gathering, conferences, and seminars that we don't expect it in our lifetime, at least not by choice. I hope we are wrong. I don't know how often the Sunset Committee meets to consider this board but if this opportunity is missed I'm quite sure that the status quo will prevail for several more years. If there is any such thing as a sunset and a new dawn lets look forward to the *New Dawn* and let the *Sun set*."

"My dealings with the Board of Licensure for Professional Engineers and Land Surveyors were quite good, however there were a couple of items which I have a problem with. One item is that the survey board took too long to resolve this issue. The 2 year statute of limitation had expired before I received the board's ruling. I believe in a dispute such as my case that the statute of limitation should not start until the board has rendered a final ruling. I also believe in cases such as mine where a judge has made a ruling on false information that the board should be able to reset the property lines back to their proper placement, especially when it concerns section lines laid down by the United States Geological Survey."

"No! I was told my complaint had been considered at some earlier date; a decision made; the file sealed, and by law I could not be told why the decision was made. The complaint involved a company who employed no engineers but used *engineers* in the company name, a violation of the code. If there were extenuating circumstances, I feel they should have been explained. As it stands, I feel someone got *special considerations*. The company was a contractor to the employer of a board member. I pay my dues to keep my professional engineer license, but I have no respect for the board, its procedures, and the code in general."

"My problem was addressed but not resolved by the Alabama Survey Board. Mr. [REDACTED] testified in court that he did a survey for [REDACTED]. The judge ordered me to put my fence on survey markers. [REDACTED] failed to put survey pins down. My fence has not been put up as of this day. [REDACTED] could not produce me a copy the survey. The truth is [REDACTED] did not do a survey at all. [REDACTED] worked for the State of Alabama for 40 or more years. [REDACTED] met with the state board and convinced them to only give [REDACTED] a letter or reprimand. This is a joke! I believe that [REDACTED] used his years of service with the state to whitewash this matter. [REDACTED] swore under oath before the judge that he did a survey. [REDACTED] lawyer tried to bill me for this phony survey. I wrote his lawyer and explained this survey was not legal and did not happen at all. I cannot get anybody to survey this property because of this bad ruling by the judge. The State Survey Board should have ordered a complete survey and [REDACTED] license to survey land should be taken from him. I believe this problem could have been handled in a fair manner. I only pray that our heavenly father will address this matter one day. If I could only put my fence back up on the true land line, I would be very happy. I am awaiting your reply in this matter. I hope this will reach somebody that is honest and sincere."

"I guess they did all they could. I hope the surveyor is never allowed a license again."

Complainant Questionnaire

“I feel like they should have more authority in dealing with complaints.”

“The man I talked too was very knowledgeable, but what he said to me the first time on the phone changed after we talked and no results were taken. After the surveyor I complained about called me and the board’s surveyor told me all the land lines were not right, but he thought that the back line shouldn’t do that angle upward so he said he made it straight. The man I talked to at the board said I was right about the surveyor that he couldn’t do that, but I was never back by my surveyor. He said the state said that the other surveyor had new and better survey equipment so his survey must be right and mine is wrong. I say Bull___! So keep my opinion on file because that is about as much result I got the first time.”

“I was satisfied with my dealings with the board, but not with the outcome. The Board showed no backbone.”

“I was very satisfied with the results and received my retainer money back from that **unethical** surveyor.”

“The surveyor license was suspended and he never quit working. He never paid the church its balance. This office is a waste of the taxpayers’ money.”

“The board said it reprimanded the surveyor. I would like to know how many reprimands it takes to void his personal service permit or license. The judge sent the same surveyor back out to survey the line (blazed, painted and obvious to all exit blind crooks) which he turned into a nightmare for the future. In addition to this he was rewarded with \$755.00 for the additional work. The lawsuit cost me \$3000 plus because of this surveyor.

“The board did what I expected and added my complaint to the numerous other complaints against the surveyor who is still in business.”

APPENDICES

Statutory Authority

CHAPTER 11. ENGINEERS AND LAND SURVEYORS.

ARTICLE 1. GENERAL PROVISIONS.

§ 34-11-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

- (1) Board. The State Board of Licensure for Professional Engineers and Land Surveyors, provided for by Section 34-11-30.
- (2) Engineer intern. A person who has qualified under subdivision 2 of Section 34-11-4, and who, in addition, has successfully passed an eight-hour written examination in the fundamental engineering subjects as provided in Section 34-11-6, and who has been certified by the board as an engineer intern.
- (3) Engineer or professional engineer. A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering as hereinafter defined and has been licensed by the board as a professional engineer.
- (4) Land surveyor intern. A person who has qualified under subdivision (4) of Section 34-11-4, has passed an examination in the fundamental land surveyor intern subjects, pursuant to this chapter, and who has been certified by the board as a land surveyor intern.
- (5) Land surveyor or professional land surveyor. A person who has been duly licensed as a professional land surveyor by the board established under this chapter, and who is a professional specialist in the technique of measuring land, is educated in the principles of mathematics, the related physical and applied sciences, the relevant requirements of law for adequate evidence and all requisites for surveying of real property, and is qualified to practice land surveying as defined in subdivision (8).
- (6) Practice and offer to practice. Any person shall be construed to practice or offer to practice engineering or land surveying, within the meaning and intent of this chapter, who offers to or does as a profession practice any branch of engineering or land surveying; or who by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself or herself to be a professional engineer or a professional land surveyor, or through the use of some other title implies that he or she is a professional engineer or a professional land surveyor; or who represents himself or herself as able to perform or who does perform any engineering or land surveying service or work or any other service designated by the practitioner which is recognized as engineering or land surveying.
- (7) Practice of engineering. Any professional service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to

such services or creative work as consultation, testimony, investigation, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction or other design products for the purpose of monitoring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products; equipment of a control, communications, computer, mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and including other professional services necessary to the planning, progress, and completion of any engineering services.

a. Design coordination includes the review and coordination of those technical submissions prepared by others, including, as appropriate and without limitations, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer.

b. Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, rights-of-way and easement acquisitions relative to the centerline of the project. Engineering surveys may be used to locate, relocate, establish, reestablish, layout or retrace any road, right-of-way, easement or alignment relative to the centerline of the project. Additionally, engineering surveys may be performed to determine areas, volumes or physical features of the earth, elevation of all real property, improvements on the earth and the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics. All engineering surveys shall exclude the surveying of real property for the establishment of any property line or land boundaries, setting of corners or monuments, and the dependent or independent surveys or resurveys of the public land survey system.

c. The term shall not include the practice of architecture except such architectural work as is incidental to the practice of professional engineering; nor shall the term include work ordinarily performed by persons who operate or maintain machinery or equipment.

(8) Practice of land surveying. Professional services, including, but not limited to, consultation, project coordination, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, areas, volumes, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these acts and interpretation into an orderly survey map, plan, report, description, or project. Project coordination shall include the coordination of those technical submissions as prepared by others. Notwithstanding the provisions of this subdivision, the practice of land surveying shall exclude functions unique to engineering as specified by rules of the board. The practice of land surveying shall include, but is not limited to, any one or more of the following:

a. Locates, relocates, establishes, reestablishes, lays out, or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of all real property whether or not fixed works are sited or proposed to be sited on the property.

- b. Makes any survey for the subdivision of any tract of land or for condominiums.
- c. Determines, by the use of the principles of land surveying, the position for any survey, monument, or reference point; or sets, resets, or replaces any such monument or reference point.
- d. Determines the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.
- e. Geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.
- f. Creates, prepares, or modifies electronic or computerized data, including land information systems and geographic land information systems, relative to the performance of the activities in paragraphs a. to e., inclusive.

(9) Responsible charge. Direct control and personal supervision of engineering work or land surveying work.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 2; Acts 1967, No. 739, p. 1576, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2002-514, p. 1323, § 1.)

§ 34-11-2. Practice of engineering and land surveying regulated.

(a) No person in either public or private capacity shall practice or offer to practice engineering or land surveying, unless he or she shall first have submitted evidence that he or she is qualified so to practice and shall be licensed by the board as hereinafter provided or unless he or she is specifically exempted from licensure under this chapter.

(b) In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice engineering in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms engineer, engineers, engineering, professional engineer, professional engineers, professional engineering, or any modification or derivative thereof, tending to convey the impression that he or she is a professional engineer unless the person has been duly licensed or is exempt from licensure under this chapter. A person whose firm name shall have contained the word "engineer," "engineers," or "engineering," or words of like import, for more than 15 years before September 12, 1966, shall not be prohibited from continuing the use of such word or words in his or her firm name.

(c) In order to safeguard life, health, and property and to promote the public welfare, the practice of land surveying in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice land surveying in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms land surveyor, land surveyors, land surveying, professional land surveyor,

professional land surveyors, professional land surveying, or any modification or derivative thereof, tending to convey the impression that he or she is a professional land surveyor unless the person has been duly licensed or is exempt from licensure under this chapter.

(d) As used in this subsection, the term professional land surveyor shall include the agents, the employees, and any personnel under the supervision of a professional land surveyor.

(1) A professional land surveyor may go on, over, and upon the lands of others which is not enclosed by any device installed to deter entry to or exit from industrial facilities or plant sites by humans or vehicles, if necessary to perform surveys for the location of section corners, quarter corners, property corners, boundary lines, rights-of-way, and easements, and may carry and utilize equipment and vehicles. Entry under the right granted in this subdivision shall not constitute trespass. A professional land surveyor shall not be liable to arrest or to a civil action for trespass by reason of this entry.

(2) Nothing in this subsection shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner and nothing in this section shall be construed as removing civil liability for the damages.

(3) A professional land surveyor shall make reasonable effort to notify adjoining landowners upon whose land it is necessary to enter.

(4) No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon his or her land under this subsection.

(5) Nothing in this subsection shall limit the rights of condemning authorities under Sections 18-1A-50 to 18-1A-55, inclusive.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 1; Acts 1966, Ex. Sess., No. 329, p. 462, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, § 1.)

§ 34-11-3. Roster of registrants.

A roster showing the names and addresses of all licensed professional engineers, all professional land surveyors, and all who possess current certifications as engineer interns or land surveyor interns shall be prepared by the executive director of the board at intervals as established by the board. Copies of this roster shall be made available to each person licensed or certified, placed on file with the Secretary of State, and may be distributed or sold to the public upon request.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 11; Acts 1975, No. 1049, p. 2107, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-4. General requirements for licensure or certification.

The board may approve engineering, engineering technology, land surveying, and related science programs which shall be accepted under the following criteria:

(1) Professional engineer. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer:

a. *Graduation and experience plus examination.*

1. *Graduation in an approved engineering curriculum plus four years experience. A graduate of an approved engineering curriculum of four years or more from a*

school or college approved by the board who has successfully passed the eight-hour written examination in the fundamental engineering subjects and who has a specific record of an additional four years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

2. Graduation in an unapproved engineering curriculum plus six years experience. A graduate of an unapproved engineering curriculum of four years or more who has successfully passed the eight-hour written examination in the fundamental engineering subjects and who has a specific record of an additional six years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

3. Graduation in an approved engineering technology or related science curriculum plus eight years experience. Before December 31, 2005, and not thereafter, a graduate of an approved engineering technology curriculum of four years or more from a school or college approved by the board or a graduate of a related science curriculum of four years or more who has successfully passed the eight-hour written examination in the fundamental engineering subjects and who has a specific record of an additional eight years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

b. Comity. The board may, upon application, issue a certificate of licensure as a professional engineer to any person who holds a valid professional engineering certificate issued by any jurisdiction of the United States or of any country; provided, that the education, experience, and examination qualifications of the applicant meet the requirements of this chapter and the rules established by the board. The board may authorize an applicant to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect until the board acts upon the application. The interim permit may be issued upon submission of documentation and a fee which shall be established by the board, not to exceed fifty dollars (\$50).

(2) Engineer intern. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as an engineer intern:

a. Graduation and examination. A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamental engineering subjects shall be certified as an engineer intern, if otherwise qualified.

b. Graduation and examination plus experience. Graduation in an unapproved

engineering curriculum plus two years experience. A graduate of an unapproved engineering curriculum of four years or more who has successfully passed an eight-hour written examination in the fundamental engineering subjects and who has a specific record of two years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be certified as an engineer intern, if otherwise qualified.

c. Comity. The education, experience, and examination qualifications of the applicant shall meet the requirements of this section and the rules established by the board. Fundamentals of engineering examinations of comparable character taken and passed in another jurisdiction may be accepted by the board.

(3) Professional land surveyor. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional land surveyor.

a. Graduation and experience plus examination.

1. Graduation in an approved land surveying curriculum plus four years experience. A graduate of an approved land surveying curriculum of four years or more including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamental land surveying subjects and who has a specific record of an additional four years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a six-hour written examination in the principles and practice of land surveying and a two-hour written examination on laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying, provided the applicant is otherwise qualified.

2. Graduation in an approved curriculum related to surveying plus six years experience. A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board and who has successfully passed the eight-hour written examination in the fundamental land surveying subjects and who has a specific record of an additional six years or more of progressive office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a six-hour examination in the principles and practice of land surveying and a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

3. Graduation in a related science curriculum plus eight years experience. A graduate of a related science curriculum of four years or more from a school or college approved by the board who has successfully passed the eight-hour written examination in the fundamental land surveying subjects and who has a specific record of an additional eight years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a six-hour examination in the principles and practice of land surveying and a two-hour written examination of laws, procedures, and practices

pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

b. Experience plus examination. Before December 31, 2007, an applicant who has a specific record of eight years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals examination shall be admitted to a six-hour written examination in the principles and practice of land surveying and a two-hour written examination on laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

c. Comity. The board may, upon application, grant to any person who holds a valid professional land surveying certificate issued by any jurisdiction of the United States or of any country, admission into a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama, provided that the education, experience, and examination qualifications of the applicant meet the requirements of this chapter and rules established by the board. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

(4) Land surveyor intern. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as a land surveyor intern:

a. Graduation plus examination. Graduation in an approved land surveying curriculum. A graduate of a land surveying curriculum of four years or more including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamentals of land surveying shall be certified as a land surveyor intern, if otherwise qualified.

b. Graduation and examination plus experience.

1. Graduation in an approved curriculum related to surveying plus two years experience. A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamentals of land surveying and who has a specific record of an additional two years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

2. Graduation in a related science curriculum plus four years experience. A graduate of a related science curriculum of four years or more who has successfully passed an eight-hour written examination in the fundamentals of land surveying and who has a specific record of an additional four years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

c. Comity. The education, experience, and examination qualifications of the applicant shall meet the requirements of this section and the rules established by the

board. The board may accept fundamentals of land surveying examinations of comparable character taken and passed in another jurisdiction.

(5) Character. No person shall be eligible for licensure as a professional engineer, certification as an engineer intern, licensure as a professional land surveyor, or certification as a land surveyor intern who is not of good character and reputation.

(6) Teaching credits. In considering the qualifications of applicants, teaching in an engineering curriculum approved by the board may be considered as engineering experience. Teaching land surveying subjects in a land surveying curriculum approved by the board may be considered as land surveying experience.

(7) Graduate study. In counting years of experience for professional engineer licensure, the board may give credit, not in excess of one year, for successful completion of graduate study leading to a master's degree in engineering. If a Ph.D. in engineering is completed, a total of two year's experience may be credited. The two-year credit shall include one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience shall be two years. In counting years of experience for professional land surveyor licensure, the board may give credit, not in excess of one year, for successful completion of graduate study leading to a master's degree in land surveying. If a Ph.D. in land surveying is completed, a total of two years' experience may be credited. The credit of two years shall include one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience shall be two years.

(8) Nonpracticing applicants. Any person having the necessary qualifications prescribed in this chapter to entitle the applicant to licensure shall be eligible for licensure although the applicant may not be practicing engineering or land surveying at the time of making application.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 12; Acts 1967, No. 739, p. 1576, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, § 1.)

§ 34-11-5. Applications; fees.

(a) Applications for licensure as a professional engineer, professional land surveyor, engineer intern, or land surveyor intern shall be on forms prescribed and furnished by the board and shall contain statements made under oath. Three or more of the references contained in an application for licensure as a professional engineer shall be professional engineers having personal knowledge of the applicant's engineering experience. Three or more of the references contained in an application for professional land surveyor shall be professional land surveyors having personal knowledge of the land surveying experience of the applicant. All references and experience verifications furnished shall be confidential records of the board. Any individual who was previously licensed in this state and whose license is eligible for reinstatement as outlined in subsection (a) of Section 34-11-8 shall comply with the reinstatement procedures established by the board instead of the submission of a new application.

(b) The application fee and the licensure fee for professional engineers or professional land surveyors shall be set by the board and each fee shall not exceed one hundred dollars (\$100).

(1) For professional engineers applying for licensure by way of comity, both the application fee and licensure fee shall accompany the application.

(2) For professional engineers applying for licensure by way of examination and for professional land surveyors, the application fee shall accompany the application, and the

licensure fee shall be due upon approval of licensure. If the applicant fails or refuses to remit the licensure fee within 30 days after being notified of successfully qualifying, the applicant shall forfeit the right to have a certificate so issued. For further consideration, the applicant shall be required to submit a new application and application fee.

(c) The application fee, which shall include the certification fee, for engineer interns and land surveyor interns shall be set by the board, shall not exceed fifty dollars (\$50), and shall accompany the application.

(d) The fee for a certificate of authorization for a corporation, partnership, or firm shall be set by the board and shall not exceed two hundred fifty dollars (\$250), and must accompany the application.

(e) If the board denies certification or licensure to any applicant, or the certificate of authorization to any corporation, partnership or firm, the fee paid shall be retained as an application fee.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 13; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-6. Examinations.

(a) Examinations shall be held at such times and places as the board determines and upon payment of an examination fee.

(b) When examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the professional examination as specified by rules of the board. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(c) When examinations are required on applied subjects, the applicant shall be permitted to take this part of the professional examination as specified by guidelines established by the board. The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering or land surveying works so as to protect the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for licensure separately in engineering and in land surveying. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(d) The fees for examination and reexamination shall be set by the board and shall not exceed three hundred dollars (\$300).

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 14; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, § 1.)

§ 34-11-7. Issuance of certificate; seal.

(a) The board shall issue a certificate of licensure upon payment of a licensure fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of engineering. In the case of a professional land surveyor, the certificate shall authorize the practice of land surveying. Certificates of licensure shall show the name of the licensee, shall have a license number, and shall be signed by the chair and the secretary of the board under the seal of the board.

(b) The issuance of a certificate of licensure by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a professional engineer, or of a professional land surveyor unless the certificate is revoked, suspended, surrendered, lapsed,

or expired.

(c) Each professional engineer should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional engineer." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Engineering drawings, plans, specifications, plats, and reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.

(d) Each professional land surveyor should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional land surveyor." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Land plats, legal descriptions of lands, and land surveying reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof. Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and is responsible for the work product. A digital signature may be used in lieu of a handwritten signature.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 15; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, § 1.)

§ 34-11-8. Renewal of certificates; lapsed licenses.

(a) The board shall, by rule, establish a procedure for renewing certificates of licensure on an annual or a biennial basis. It shall be the duty of the executive director of the board to notify every person licensed under this chapter of the final date of the renewal of his or her license and the amount of the fee required for the renewal. The notice shall be mailed to the last address of the licensee recorded by the executive director of the board at least one month in advance of the renewal deadline. Renewal may be accomplished at any time prior to or during the month of December by payment of the required fee. The board shall establish the renewal fee for each certificate of licensure issued pursuant to this chapter. The amount of the renewal fee shall not exceed one hundred fifty dollars (\$150) for annual renewal or three hundred dollars (\$300) for biennial renewal. Certificates of licensure for professional engineers and professional land surveyors shall lapse on the last day of the month of December, annually or biennially, unless renewed. The board shall, by rule, establish procedures including requirements, time limits, and the minimum continuing professional competency hours required for reinstating or reactivating a lapsed license. The board shall establish a reinstatement fee which shall be based on the period the license was lapsed. A lapsed license, if not reinstated, shall remain in a lapsed classification for a total of four years. Any license which has lapsed for more than four years shall not be eligible for reinstatement or reactivation and is expired.

(1) Any individual whose license has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and board rules governing licenses until the licensure is revoked by action of the board or the license is not eligible for reinstatement under the rules of the board. A licensee who practices or offers to practice in this state with a lapsed, inactive, or retired license shall be subject to disciplinary action by the board.

(2) No licensee shall have his or her license renewed unless, in addition to any other requirements of this chapter, the minimum annual or biennial continuing professional competency requirement is met. It is further provided that the continuing professional competency program herein required shall not include testing or examination of the licensee in any manner. The board may, by rules, establish exemptions from the continuing professional competency requirement for retired licensees and others in extenuating circumstances as identified by rule of the board.

(b) Enrollment as engineer interns and land surveyor interns shall expire on the last day of the month of December following their issuance or renewal. The notification to interns shall be processed as prescribed above for licensees except that the annual renewal fee shall not exceed ten dollars (\$10). The failure on the part of any intern to accomplish renewal shall not invalidate his or her status as an engineer intern or land surveyor intern, but his or her name shall, after 90 days, be removed from the current mailing list of the board. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

(c) Certificates of authorization issued to corporations, partnerships, or firms practicing or offering to practice engineering or land surveying under this chapter shall lapse on the last day of the month of January following their issuance or renewal, unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed two hundred fifty dollars (\$250). It shall be the duty of the executive director of the board to notify every corporation, partnership, or firm holding a certificate of authorization under this chapter of the final date of renewal of the certificate and the amount of the fee which shall be required for its renewal for one year. The notice shall be mailed by the executive director to the last address recorded for the corporation, partnership, or firm at least one month in advance of the renewal deadline. Renewals may be accomplished at any time prior to or during the month of January by payment of the required fee. Failure by the corporation, partnership, or firm to renew its certificate of authorization prior to or during the month of January shall cause the certificate to lapse, and it shall be unlawful for the corporation, partnership, or firm to practice, offer to practice, or hold itself out as qualified to practice engineering or land surveying in Alabama following the lapse of its certificate of authorization. The board shall, by rules, establish procedures and time limits for reactivating a certificate of authorization and the reinstatement fees which shall be based on the period the certification was lapsed. A firm, partnership, or corporation whose certificate of authorization has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and the rules of the board governing licenses until the certificate of authorization is revoked by action of the board or the certificate of authorization is no longer renewable under the rules of the board. If not reinstated, a lapsed certificate of authorization shall remain in a lapsed classification for a period of two years. Any certificate of authorization which has been lapsed for more than two years shall not be eligible for reinstatement or reactivation and is expired.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 16; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, § 1.)

§ 34-11-9. Corporate and partnership practice.

(a) Services offered to the public; certificate of authorization required.

(1) Engineering or land surveying services. The practice of or offer to practice engineering and land surveying as defined in Section 34-11-1 by individual professional engineers or professional land surveyors licensed under this chapter through a corporation,

partnership, or firm offering engineering services or land surveying services to the public through individual licensed professional engineers or professional land surveyors, as agents, employees, officers, or partners, is permitted subject to this chapter and one or more of the principal officers of the corporation, firm, or partners of the partnership and all personnel of the corporation, partnership, or firm who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by this chapter, or are persons lawfully practicing under Section 34-11-14 and the corporation, partnership, or firm has been issued a certificate of authorization by the board as provided herein. All final drawings, specifications, plans, reports, or other engineering or land surveying papers or documents involving the practice of engineering or land surveying as defined in Section 34-11-1 of this chapter which shall have been prepared or approved for the use of such corporation, partnership, or firm or for delivery to any person or for public record within the state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them. Nothing in this section should be construed to mean that a certificate of licensure to practice engineering or land surveying shall be held by a corporation, partnership, or firm.

(2) Joint practice authorized. Nothing in this section prohibits an individual, corporation, firm, or partnership from joining together to practice, offering to practice, or holding themselves out as qualified to practice engineering or land surveying provided that the individual, corporation, firm, or partnership meets the requirements of this section.

(3) Liability generally. No corporation, firm, or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section, nor shall any individual practicing engineering or land surveying as defined in Section 34-11-1 be relieved of responsibility for work performed by reason of employment, association, or relationship with the corporation, partnership, or firm.

(4) Application for certificate of authorization. A corporation, partnership, or firm desiring a certificate of authorization shall file with the board an application upon a form to be prescribed by the board and the designation required by subdivision (5), accompanied by the licensure fee prescribed by subsection (d) of Section 34-11-5.

(5) Resident licensee. Every firm, partnership, corporation, or other entity which performs or offers to perform engineering or land surveying services shall have a resident licensed professional engineer or land surveyor in responsible charge of the engineering or land surveying work for each separate office or branch office in which engineering or land surveying services are performed or offered to be performed. The board shall issue rules to ensure adequate engineering supervision and surveying supervision of all work.

(6) Filing names and addresses of officers, etc., required. A corporation or firm shall file with the board, using a form provided by the board, the names and addresses of all officers and board members of the corporation or firm including the principal officer or officers duly licensed to practice engineering or land surveying in this state, who shall be in responsible charge of the practice or offering to practice of engineering or land surveying in this state by the corporation or firm and of the individual or individuals designated as the responsible engineer or land surveyor of each branch office offering or performing Alabama engineering or land surveying. A partnership shall file with the board using a form provided by the board, the names and addresses of all partners, including the partner or partners duly licensed to practice engineering or land surveying in this state, and also of an individual or individuals duly licensed to practice engineering or land surveying in this state who shall be in

responsible charge of the practice of engineering or land surveying in this state at the branch offices of the partnership. The same form, giving the same information, shall accompany the annual renewal fee prescribed in subsection (c) of Section 34-11-8. In the event there is a change in the firm name or in any of the partners or principal officers during the year, the changes shall be filed with the board by the corporation, partnership, or firm within 30 days after the effective date of the change.

(7) Issuance of certificate of authorization; suspension; revocation. If all the requirements of this section are met, the board shall issue to the corporation, partnership, or firm a certificate of authorization. The board may refuse to issue a certificate, if any facts exist which would entitle the board to suspend or revoke an existing certificate. Any person aggrieved by an adverse determination of the board may appeal to the circuit court in the manner provided in Section 34-11-13.

(8) Certificate required of organization operating under fictitious name. For the purposes of this section, a certificate of authorization shall be required by a corporation, partnership, firm, association, or person practicing under a fictitious name, offering engineering or land surveying services to the public. Where a licensee is practicing engineering or land surveying in his or her own given name, the licensee shall not be required to qualify under this section.

(b) Incidental engineering or land surveying services; certificate of authorization not required. The practice of engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution, or communication may be carried on by any person, partnership, firm, or corporation engaged in such production, manufacture, transportation, distribution, or communication and will not require a certificate of authorization. The engineering and land surveying services shall be performed by or under the direction of a professional engineer or professional land surveyor licensed in conformity with this chapter. All drawings, plans, specifications, plats, and reports involving the practice of engineering or land surveying shall when issued be dated and bear the seal or facsimile of the seal, signature, and licensure number of the professional engineer or land surveyor in responsible charge thereof. (Acts 1961, Ex. Sess., No. 79, p. 1976, § 18; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, § 1.)

§ 34-11-10. Public work.

It shall be unlawful for the state or any of its departments, boards or agencies or any county, municipality or political subdivision or any department, board or agency of any county, municipality or political subdivision to engage in the construction of any public work involving the practice of engineering unless the engineering drawings, plans, specifications and estimates have been prepared by and the construction executed under the direct supervision of a professional engineer; provided, that nothing in this chapter shall be held to apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed \$20,000.00.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 19.)

§ 34-11-11. Disciplinary action.

(a) The board shall have the power to reprimand, censure, place on probation, or fine any licensee or certified engineer intern or land surveyor intern or corporation, partnership, or firm holding a certificate of authorization and to suspend, refuse to renew, or revoke the certificate of

any licensee or certified engineer intern or land surveyor intern or the certificate of authorization of a corporation, partnership, or firm found guilty of any of the following:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure or certificate of authorization.

(2) Any gross negligence, incompetency, violation of the rules of professional conduct prescribed by the board, or any amendment thereof, or misconduct in the practice of engineering or land surveying as a professional engineer, engineer intern, professional land surveyor, or land surveyor intern.

(3) Falsely representing himself or herself as being in responsible charge of engineering work or land surveying.

(4) Permitting his or her seal, or facsimile thereof, to be used by another.

(5) An offense in another jurisdiction resulting in revocation, suspension, or voluntary surrender, to avoid disciplinary proceedings, of a license or certificate of licensure, including any agreement or stipulation executed by a licensee to avoid formal disciplinary proceedings.

(b) The board shall have the power to impose any or all of the disciplinary penalties set forth in this section against a corporation, partnership, or firm holding a certificate of authorization, when any one or more of the agents, employees, officers, partners, or owners of the corporation, partnership, or firm, licensed or nonlicensed, have committed any act, or have been guilty of any conduct, which could authorize the imposition of any of the disciplinary penalties set forth in this section. The acts or conduct by the persons must have been related to the practice of or offer to practice of engineering or land surveying by the corporation, partnership, or firm and that the acts or conduct must have been performed or occurred within the scope of the employment of any such person and with the authorization, ratification, or approval of an officer, director, principal, partner, or owner of the corporation, partnership, or firm.

(c) Any person may file a complaint alleging a violation of this section against any individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization. The complaints shall be in writing and shall be filed with the executive director of the board.

(d) The board may designate a person or persons to investigate and report to it on any matter related to its lawful duties and may employ legal counsel as the board may deem necessary or desirable. An investigation may be made upon receipt of a complaint or may be initiated by the board. The board may resolve violations by agreement between the board and the licensee with or without the filing of formal charges.

(e) Following an investigation, charges may be filed against any individual licensee, certificated intern, or corporation, partnership, or firm holding a certificate of authorization. The charges shall conform to the Administrative Procedure Act.

(f) With the consent of the licensee, the board may conduct an informal hearing without meeting the requirements of the Administrative Procedure Act at which no action shall be taken other than a reprimand, public or private.

(g) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within a reasonable time.

(h) The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on or mailed to the last known address of the individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization, at least 30 days before the date fixed for the hearing. At any hearing the accused individual licensee, certified intern, or corporation,

partnership, or firm holding a certificate of authorization shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, her, or them, and to produce evidence and witnesses in his or her or their own defense. If the accused fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

(i) If after the hearing three or more members of the board vote in favor of finding the accused guilty, the board shall impose one or more of the disciplinary penalties set forth in this section. Any fine imposed may not exceed two thousand five hundred dollars (\$2,500) for each count or separate offense. The written decision of the board shall be delivered personally to the accused or sent by certified mail, return receipt requested, to the last known address of the accused.

(j) If disciplinary action from a hearing results in imposing a fine against a licensee, certified intern, or certificated corporation, partnership, or firm, the board shall not renew the annual certificate for this licensee, certified intern, or certificated corporation, partnership, or firm until the fine is paid in full. In the event that the fine is subsequently set aside on judicial review, as provided in the Alabama Administrative Procedure Act, the licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.

(k) The board shall revoke the certificate of any licensee or certified intern who has been determined to be one of the following:

(1) Declared non compos mentis by a court of competent jurisdiction.

(2) Convicted of or entered a plea of guilty or nolo contendere to any crime under the laws of the United States or any state or territory thereof, which is a felony, whether related to practice or not and convicted of or entered a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.

(l) When a member of the board is unable to continue the hearing either by disqualification or for any other reason, and the board is unable to reach a quorum, the Governor shall appoint as many ex officio members as is necessary to reach a quorum from a list of three persons submitted for each place by the committee of seven as specified in Section 34-11-30. These ex officio members shall serve on the board only for that hearing for which they were appointed and they may be reappointed for subsequent hearings if necessary.

(m) The licensee shall be responsible for the cost of the disciplinary action if found guilty. (Acts 1961, Ex. Sess., No. 79, p. 1976, § 20; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1984, 2nd Ex. Sess., No. 85-45, p. 68, § 1; Acts 1987, No 87-414, p. 607, § 3; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-12. Reissuance of revoked certificates; duplicate certificates.

The board, for reasons it may deem sufficient, may reissue a certificate of licensure to any person or certificate of authorization to any corporation, partnership, or firm whose certificate has been revoked, provided three or more members of the board vote in favor of reissuance. The board shall not consider reissuance of a certificate to any person whose certificate has been revoked because of non compos mentis until after the person has been declared to have fully regained his or her competency by a court of competent jurisdiction. The board shall not consider the reissuance of a certificate to a person who was convicted of a felony or entered a plea of guilty or nolo contendere to a felony until the civil rights of the person have been restored, and then a unanimous approval vote of the board concerning reissuance shall be

required. A new certificate to replace any certificate revoked, lost, destroyed, or mutilated or for any other reason may be issued, subject to the rules of the board, and a charge of twenty-five dollars (\$25) shall be made for such issuance.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 21; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

§ 34-11-13. Appeals.

Any person, corporation, partnership or firm who shall feel aggrieved by the denial of a certificate by the board or by any disciplinary action by the board taken pursuant to Section 34-11-11 may appeal therefrom within 30 days to the Circuit Court of Montgomery County, Alabama, exclusively, notwithstanding the provisions of the Alabama Administrative Procedure Act; and only after the filing of the notice of appeal, shall judicial review be as provided for in the Alabama Administrative Procedure Act.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 22; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1987, No. 87-414, p. 607, § 3.)

§ 34-11-14. Persons and acts exempt from chapter.

This chapter shall not be construed to prevent or to affect any of the following:

(1) The practice of any other legally recognized profession or trade.

(2) The work of an engineer intern or land surveyor intern, employee, or a subordinate of any person holding a certificate of licensure under this chapter, or any employee of a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4, if the work is done under the responsibility and supervision of a person holding a certificate of licensure under this chapter or a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4.

(3) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering or land surveying for the government. This exception does not extend to any engineer or land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee.

(4) The practice of engineering or land surveying with respect to transportation or utility facilities by any transportation company or public utility subject to regulation by the Alabama Public Service Commission, the Federal Aviation Administration, the Federal Communications Commission, the Federal Energy Regulatory Commission, or the Nuclear Regulatory Commission, including its parents, affiliates, or subsidiaries; or by the officers and employees of any transportation company or public utility including its parents, affiliates, or subsidiaries. This exception shall not extend to any engineer or land surveyor engaged in the practice of engineering or land surveying whose compensation is based in whole or in part on a fee.

(5) The practice of engineering or land surveying by any person who is employed by the Alabama Department of Transportation prior to January 1, 1997, in any engineering or engineering assistant classification series under the State of Alabama Personnel Board, Merit System.

(6) The mere execution as a contractor of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent.

(7) The performance of engineering services which are purely incidental to the practice of

architecture by registered architects, or their employees, or subordinates under their responsible supervising control.

(8) The performance of engineering services which are purely incidental to the practice of geology by registered geologists, their employees, or subordinates under their responsible charge.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 24; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, § 1.)

§ 34-11-15. Violations; penalties.

(a) Any person who shall practice, offer to practice, or hold himself or herself out as qualified to practice engineering or land surveying in this state or use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the term engineer, engineers, engineering, or professional engineer, professional engineers, or professional engineering, or land surveyor, land surveyors, land surveying, or professional land surveyor, professional land surveyors, or professional land surveying, without being licensed or exempted in accordance with this chapter, or any person presenting or attempting to use as his or her own the certificate of licensure or the seal or facsimile thereof of another, or permitting his or her own certificate of licensure, seal or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining, or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired, suspended, surrendered, or revoked certificate of licensure, or any person who shall violate this chapter, shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense.

(b) Any corporation, partnership, or firm who violates any part of this chapter shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense.

(c) It shall be the duty of all duly constituted officers of law of this state, or any political subdivision thereof, to enforce this chapter, and to prosecute any persons, firms, partnerships, or corporations for violating this chapter. The Attorney General of the state or his or her assistants shall act as legal advisor to the board and render legal assistance to the board as may be necessary in carrying out this chapter. The board has the right to obtain private legal counsel as the need arises.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 23; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

§ 34-11-16. Violations; civil penalties; notice and hearing; subpoena power; appeal.

(a) In addition to any other provisions of law, the board may enter an order assessing a civil penalty against any non-licensed person, corporation, or other entity found guilty by the board of, but not limited to, the following violations of this chapter.

(1) Engaging in the practice or offer to practice of engineering or land surveying in this jurisdiction without being licensed in accordance with this chapter.

(2) Using or employing the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivative thereof in its name or form of business activity, except as authorized in this chapter.

(3) Presenting or attempting to use the certificate of licensure or the seal of another licensed engineer or licensed land surveyor.

(4) Giving false or forged evidence of any kind to the board or a member of the board in obtaining or attempting to obtain a certificate of licensure.

(5) Falsely impersonating another licensed engineer or licensed land surveyor of like or different name.

(6) Using or attempting to use a revoked or non-existent certificate of licensure.

(b) The board shall determine the amount of the civil penalty which shall be paid to the State General Fund. The amount shall not exceed two thousand five hundred dollars (\$2,500) for each and every separate offense.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of notice by the board, a hearing on the record.

(d) Pursuant to the proceedings under this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the Attorney General to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal to the Circuit Court of Montgomery County exclusively for judicial review of the penalty within 30 days notwithstanding the Administrative Procedure Act. Unless an appeal is taken, or the penalty paid, the order of the board imposing the civil penalty shall become a judgment.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order pursuant to subsection (a) or if the order is stayed pending an appeal, within 10 days after the court enters a final judgement in favor of the board of an order appealed pursuant to subsection (e), the board shall notify the Attorney General. The Attorney General may commence a civil action to recover the amount of the penalty, plus attorney's fees and costs.

(g) The cost to the board of the action shall be paid by the respondent if found in violation. (Acts 1997, No. 97-683, p. 1332, § 2; Act 2004-501, § 1.)

ARTICLE 2. BOARD OF REGISTRATION.

§ 34-11-30. Creation; composition; appointment; oath of office; terms of office.

A State Board of Licensure for Professional Engineers and Land Surveyors is created. It shall be the duty of the board to administer this chapter. The board shall consist of four professional engineers and one professional land surveyor, each of whom shall be appointed by the Governor from a list of three persons nominated by a committee. To the extent possible, the nominating committee and the Governor shall select those persons whose appointments ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state. The nominating committee shall consist of one professional engineer or professional land surveyor, respectively, appointed or elected by an active Alabama chapter of each of the following societies: American Society of Civil Engineers; Society for Mining, Metallurgy and Exploration, Inc.; American Institute of Chemical Engineers; Institute of Electrical and Electronics Engineers, Inc.; American Society of Mechanical Engineers, International; Alabama Society of Professional Engineers; and Alabama Society of Professional Land Surveyors. Any other society with active chapters in the state having membership qualifications comparable to those of the above-named societies may petition the board for membership on the committee, and the board may grant the membership.

Nominees shall have the qualifications required by Section 34-11-31. Nominations shall be made by a majority vote of the committee present at the same time at a meeting called by the executive director of the board, who shall advise the above named societies of the meeting at least 30 days before the meeting is held. Each member of the board, before beginning his or her term of office, shall file with the Secretary of State his or her written oath or affirmation for the faithful discharge of his or her official duties. The members of the board shall continue to serve under this chapter until their respective terms expire. On the expiration of the term of each member, the Governor shall in the manner provided in this section appoint for a term of five years a professional engineer or professional land surveyor having the qualifications required by Section 34-11-31 to take the place of the member whose term on the board is about to expire. Each member shall hold office until the expiration of the term for which the member is appointed or until a successor is duly appointed and qualified.
(Acts 1961, Ex. Sess., No. 79, p. 1976, § 3; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2003-141, p. 440, § 3.)

§ 34-11-31. Qualifications of members.

Each member of the board shall be a citizen of the United States and a resident of this state, a licensed professional engineer or licensed professional land surveyor who holds an unexpired certificate under this chapter, who has been engaged in the practice of engineering or land surveying, respectively, for at least 12 years, and who has been in responsible charge of important engineering or land surveying, respectively, work for at least five years.
(Acts 1961, Ex. Sess., No. 79, p. 1976, § 4; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-32. Compensation and expenses.

Each member of the board shall receive the sum of one hundred dollars (\$100) per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel and shall be reimbursed for traveling expenses as provided in Article 2 of Chapter 7 of Title 36, and incidental and clerical expenses necessarily incurred in carrying out this chapter.
(Acts 1961, Ex. Sess., No. 79, p. 1976, § 5; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-33. Removal of members; vacancies

The Governor may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board by death, resignation or for any reason shall be filled for the unexpired term by appointment by the Governor as provided in Section 34-11-30.
(Acts 1961, Ex. Sess., No. 79, p. 1976, § 6.)

§ 34-11-34. Meetings; legal office; officers; quorum.

The board shall hold at least two regular meetings each year. The two regular meetings of the board shall be held in the City of Montgomery, Alabama. The legal office of the board shall be located in the City of Montgomery. Special meetings shall be held at the time and place as the rules of the board may provide. Notice of all meetings shall be given as the rules provide. The board shall elect or appoint annually the following officers: A chair, a vice chair, and a

secretary. A quorum of the board shall consist of not less than three members.
(Acts 1961, Ex. Sess., No. 79, p. 1976, § 7; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-35. Powers generally.

(a) The board shall have the power to adopt and amend bylaws, rules and regulations, not inconsistent with the constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall have the power to adopt and amend from time to time rules of professional conduct for professional engineers, engineer interns, professional land surveyors, land surveyor interns, and corporations, partnerships, or firms holding certificates of authorization. The board shall adopt and have an official seal.

(b) In carrying into effect its duties in any case involving the revocation of licensure or any disciplinary proceeding involving a licensee or the holder of a certificate of authorization or practicing or offering to practice without licensure, or false statement in connection with an application for licensure, the board may, under the hand of its chair and the seal of the board, subpoena witnesses and compel their attendance, and may also require the production of books, papers, documents, and other pertinent data. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person refuses to obey any subpoena issued, or refuses to testify or produce any books, papers, or documents, the board may present its petition to the Circuit Court of Montgomery County, Alabama, setting forth the facts, and thereupon the Circuit Court of Montgomery County shall, in a proper case, issue its subpoena to such person, requiring his or her attendance before the Circuit Court of Montgomery County and there to testify or to produce such books, papers and documents, or data. Any person failing or refusing to obey the subpoena or order of the Circuit Court of Montgomery County may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Circuit Court of Montgomery County.

(c) The board is charged with the duty of seeing that this chapter is enforced. The board shall investigate any complaint relating to the violation of this chapter and, should a violation be indicated, the board shall proceed as provided for under Sections 34-11-11, 34-11-15, and 34-11-16.

(d) The board, for good cause, may apply for relief by injunction, without bond, to restrain any person, firm, partnership, or corporation from the commission of any act which is prohibited by this chapter. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result, from the continued violation thereof. Application for the injunction may be made to the Circuit Court of Montgomery County, Alabama or the circuit court of the county in which it is alleged that the violation is about to occur, at the request of the board. The injunction may not be granted ex parte, and any judgment or decree may be appealed in the manner prescribed by law to the Supreme Court of Alabama.

(e) No action or other legal proceedings for damages shall be instituted against the board, any board member, or employee of the board for any act done in good faith and in the intended performance of any power granted under this chapter or for any neglect or default in the performance or exercise in good faith of any duty or power.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 8; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-36. Receipts and disbursements.

The executive director of the board shall receive and account for all money derived under this chapter, and shall pay it monthly to the State Treasurer, who shall keep the money in a separate fund to be known as the "Professional Engineers and Professional Land Surveyors Fund." The fund shall be kept separate and apart from all other money in the Treasury, and shall be paid out only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the executive director of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to Article 4 of Chapter 4 of Title 41. Any funds or money in the hands of the State Treasurer, known as the Professional Engineers and Professional Land Surveyors Fund, at the end of the state fiscal year in excess of that amount equal to 25 percent of the budget of the board for the previous fiscal year shall be transferred into the General Fund of the state. However, in the event that the board elects to implement a biennial license, then the above transfer into the General Fund shall only apply at the end of the non-license year of the biennial license cycle. The money, properties, records, and other things of value owned by or allocated to the fund, the board, or the executive director of the board in his or her capacity as such, serving at the time of enactment of this chapter, shall become the property of and be allocated respectively to the fund, the board, or the executive director of the board under this chapter. The executive director of the board shall give a surety bond to the state in a sum as the board may determine. The premium on the bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the fund. The executive director of the board shall receive a salary as determined by the board, in addition to compensation and expenses provided for in Section 34-11-32. The board may employ an executive director and, when necessary, an assistant executive director and fix their compensation and duties. The board may employ clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter, including the expenses of the board's delegates to regional and national meetings of, and membership dues to, a national examination organization for engineers and land surveyors selected by the board and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation provided for in this chapter exceed the amount provided therefor by the Legislature in the general appropriation or other appropriation bills.

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 9; Acts 1975, No. 1049, p. 2107, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

§ 34-11-37. Records and reports; confidentiality.

(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which register shall show all of the following:

- (1) The name, age, and residence of each applicant.
- (2) The date of the application.
- (3) The place of business of the applicant.
- (4) The educational and other qualifications of the applicant.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected.
- (7) Whether a certificate of licensure was granted.

(8) The date of the action of the board.

(9) Any other information deemed necessary by the board.

(b) The board shall also keep on file a written statement under oath from each applicant that he or she will abide by the rules of professional conduct prescribed by the board, which oath shall be a part of his or her application for licensure.

(c) The records of the board shall be evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(d) Annually, as of September 30, the board shall submit to the Governor a report of its transactions of the preceding year and a complete statement of the receipts and expenditures of the board, attested by affidavits of its chair and its secretary.

(e) Board records and papers of the following class are of a confidential nature and are not public records: Examination material for examinations not yet given; file records of examination problems and solutions; exam scores; letters of inquiry and reference concerning applicants; transcripts of college courses and grades; board inquiry forms concerning applicants; pending and closed complaints and investigative files which shall remain confidential until an actual formal hearing may commence; and all other materials of like confidential nature.

Smart Operations Plan

State of Alabama EBO Form No. 4b		Board of Licensure for Professional Engineers and Land Surveyors FY 2005-2006 SMART OPERATIONS PLAN		Agency No: 311 Page 1 of 1	
		ACTUAL FY04	BUDGET FY05	BUDGET FY06	
PROGRAM	653 Professional and Occupational Licensing and Regulation	\$ 904,211	\$ 1,134,700	\$ 1,181,815	
ACTIVITY	0470 Licensing and Regulation of Engineers & Land Surveyors				
MISSION	To protect the public by helping to safeguard life, health and property, and to promote the public welfare by providing for the licensing and regulation of persons in the practices of engineering and surveying. (Code Sec 34-11-30 et seq) (Governor's Priorities 1., 5.)				
VISION	An agency that regulates the engineering and surveying professions fairly (equitably) while fore mostly serving the Alabama population.				
VALUES	An agency that is willing to change, values integrity, is committed to excellence, and values teamwork.				
GOALS	To rapidly and accurately process applications for licensure and certification. To actively investigate all instances of possible illegal conduct related to engineering and surveying professional practices. To rapidly and accurately process renewals for licensure and certification. To maintain essential information on all engineers, surveyors, and engineering and surveying firms practicing in Alabama. To educate the public on when licensed professional should provide the services. To promote certification and licensure.				
WORKLOAD	Number of applications for exams will remain constant.	874	900	900	
	Number of applications for comity licensure will increase.	479	500	525	
	Number of licensees will increase.	13,173	13,250	13,350	
	Number of complaints will increase.	57	65	70	
CRITICAL ISSUES					
Internal	Educate public on the responsibilities of the board vs. the courts in resolving complaints.				
External	Changes to Licensure Law to allow payment directly to outside exam administrator and allow for larger carryover of funds at the end of the fiscal year.				
	Availability of outside information systems resources.				
OBJECTIVES					
Spending	Increase administrative spending for supplies and materials by no more than 3%.	\$ 72,430	\$ 75,000	\$ 54,000	
Staffing	Reassign workload while maintaing current level of full-time staffing.	8	8	8	
Efficiency	Increase number of negotiated settlements by 10%.	10	20	22	
	Reduce administrative time required to process investigation by 10%. (hours)	16	16	14	
	Reduce administrative time to process each renewal by 10%. (hours)	0.75	0.75	0.65	
	Reduce administrative time to process comity applications by 10%. (hours)	1.50	1.50	1.35	
Quality	Resolve 70% of complaints satisfactorily within 1 year of filing.	65%	65%	70%	
	Respond to inquiries within 1 week.	85%	85%	95%	
STRATEGIES	Create a web-based renewal form, allowing the payment of fees by credit card. Create a survey to obtain information on complainant satisfaction. Continue to explore the use of new technology to assist in a better delivery of services. Implement a staggered renewal cycle. Create a web-based application form, allowing the payment of fees by credit card. Streamline the examination application process.				

Quarterly Performance Report

Smart Quarterly Performance Report											
Fiscal Year: 2006											
Agency: 311 Engineers and Land Surveyors, State Board of Licensure for Professional											
Org:											
Program: 653 PRO AND OCCU LICENSING AND REG											
Activity: 0470 REG FOR ENGINEERS & LAND SURVE											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: Number of applications for exams will remain constant	(Number)	300	307	150	0	300	0	150	0	900	0
WC2: Number of applications for comity licensure will increase	(Number)	150	221	125	0	150	0	100	0	525	0
WC3: Number of licensees will increase	(Number)	11,635	12,942	1,220	0	310	0	185	0	13,350	0
WC4: Number of complaints will increase	(Number)	15	9	20	0	20	0	15	0	70	0
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: Increase administrative spending for supplies and materials by no more than 3% from previous yr	(\$)	15,000	13,261	12,000	0	12,000	0	15,000	0	54,000	0
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: Reassign workload while maintaing current level of full-time staffing	(FTE)	7	6	7	0	8	0	8	0	8	0
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Increase number of negotiated settlements by 10%	(Number)	4	4	4	0	8	0	6	0	22	0
EF2: Reduce administrative time required to process investigation by 10%	(hours)	20	0	20	0	16	0	14	0	14	0
EF3: Reduce administrative time to process each renewal by 10%	(hours)	1	1	0.8	0	0.5	0	0.5	0	0.65	0
EF4: Reduce administrative time to process comity applications by 10%	(hours)	1.5	1.5	1.4	0	1.3	0	1.3	0	1.35	0
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Resolve 70% of complaints satisfactorily within 1 year of filing	(%)	0	0	0	0	0	0	0	0	70	0
QU2: Respond to inquiries within 1 week	(%)	75	75	85	0	95	0	95	0	95	0

Notes From Quarterly Performance Report

Item #	Notes
--------	-------

QU1-	Agency is providing an annual projection for this objective
------	-------------------------------------------------------------

EF2-	Investigations were put on hold for first quarter due to renewal cycle.
------	-------------------------------------------------------------------------

Board Members

Charles D. Haynes, PE
Tuscaloosa
Chair

Veston W. Bush, Jr., PLS
Abbeville
Vice-Chair

Lynn C. Doyle, PE
Mobile
Secretary

Preston L. Jackson, PE
Indian Springs

Al I. Reisz, PE
Huntsville

Regina A. Dinger
Executive Director

State of Alabama

***Board of Licensure for
Professional Engineers and Land Surveyors***

The RSA Union
100 North Union Street, Suite 382
Montgomery, Alabama 36104-3762

March 13, 2006



Mailing Address:

P. O. Box 304451
Montgomery, Alabama 36130-4451

Telephone Number

(334) 242-5568

Fax Number

(334) 242-5105

Ms. Maria L. Catledge
Department of Examiners of Public Accounts
50 North Ripley Street, Room 3201
Montgomery, AL 36130

Dear Ms. Catledge:

The members of the Alabama State Board of Licensure for Professional Engineers and Land Surveyors, their addresses, offices held, and term information are:

Dr. Charles D. Haynes, P.E.
4373 Woodland Forest Drive
Tuscaloosa, AL 35405
Chair 2005-2006
Appointed: April 23, 2002
Term: April 22, 2007

Mr. Veston W. Bush, Jr., P.L.S.
206 McClendon Drive
Abbeville, AL 36310-2818
Vice Chair 2005-2006
Original Appointment: April 20, 1998
Reappointed: April 22, 2003
Term: April 22, 2008

Mr. Lynn C. Doyle, P.E.
Geotechnical Engineering
904 Butler Drive
Mobile, AL 36693-5106
Secretary 2005-2006
Original Appointment: August 28, 1996
Reappointed: August 1, 2001
Term: July 31, 2006

Mr. Preston L. Jackson, P.E.
352 Valley View Lane
Indian Springs, AL 35124-3636
Original Appointment: February 4, 2000
Reappointed: December 5, 2005
Term: April 22, 2009

Mr. Aloysius I. Reisz, P.E.
Reisz Engineers
P.O. Box 1349
Huntsville, AL 35807
Appointed: December 5, 2005
Term: April 22, 2010

Sincerely,

Regina A. Dinger
Executive Director

www.bels.alabama.gov